INDEX

ABSTENTION. See **Procedure**, 3.

ADEQUATE REMEDY. See **Jurisdiction**, 4.

ADMINISTRATIVE PROCEDURE. See **Aliens; Securities and Exchange Commission; Transportation.**

ADMIRALTY.

Jones Act—Coverage—Admissibility of evidence that plaintiff had accepted compensation benefits under Longshoremen's Act.—In suit under Jones Act to recover for personal injuries, when issue was whether plaintiff was offshore drilling employee or seaman or member of crew of vessel, it was prejudicial error to admit evidence that he had accepted compensation benefits under Longshoremen's and Harbor Workers' Compensation Act. Tipton v. Socony Mobil Oil Co., p. 34.

AGENCY. See **Procedure**, 6.

AGENCY SHOP AGREEMENTS. See **Labor**, 4.

ALIENS.

1. *Deportation—Denial of suspension—Jurisdiction for judicial review.*—Under § 106 (a) of Immigration and Nationality Act, Federal Courts of Appeals have sole and exclusive jurisdiction for judicial review of denials by Attorney General of suspensions of deportation. Foti v. Immigration and Naturalization Service, p. 217.

2. *Deportation—Persons born in what is now Communist China.*—When persons born on mainland of China were ordered deported to Formosa but Republic of China refused to accept them, could they be deported to Communist China? Ng Kam Fook v. Esperdy (DOUGLAS, J., dissenting from denial of certiorari), p. 955.

ANTITRUST ACTS.

Appeals — Jurisdiction — Ancillary orders — Expediting Act.—An appeal from an ancillary order under a decree under the Sherman Act is not within the Expediting Act, and jurisdiction is in the Court of Appeals instead of this Court. Shenandoah Valley Broadcasting v. American Society of Composers, p. 39.

APPEALS. See **Procedure**, 4–5.

ARBITRATION. See **Labor**, 1–2.

ATTORNEYS. See **Procedure**, 5.

AVULSION. See **Constitutional Law**, IV.

BALLOTS. See **Constitutional Law**, III.

BANKS. See **Taxation**, 2.

BARGE LINES. See **Transportation.**

BOUNDARIES. See **Constitutional Law**, IV.

BUREAU OF PRISONS. See **Criminal Law**, 1–2.

CHIROPRACTORS. See **Procedure**, 3.

COLLECTIVE BARGAINING. See **Jurisdiction**, 2–3; **Labor.**

COMMERCE. See **Constitutional Law**, V; **Taxation**, 4.

COMMUNITY PROPERTY. See **Taxation**, 1.

CONSTITUTIONAL LAW. See also **Taxation.**

I. Cruel and Unusual Punishment.

Death penalty—Rape.—Whether Eighth Amendment permits imposition of death penalty on convicted rapist who has neither taken nor endangered human life. Rudolph v. Alabama (GOLDBERG, J., dissenting from denial of certiorari), p. 889.

II. Due Process.

1. *Death penalty—Rape.*—Whether Fourteenth Amendment permits imposition of death penalty on a convicted rapist who has neither taken nor endangered human life. Rudolph v. Alabama (GOLDBERG, J., dissenting from denial of certiorari), p. 889.

2. *State criminal trials—Counsel for indigents—Noncapital convictions before Gideon* v. *Wainwright.*—Whether refusal of state court to appoint counsel for indigent defendant in noncapital case before decision in *Gideon* v. *Wainwright*, 372 U. S. 335, invalidates his conviction. Pickelsimer v. Wainwright (HARLAN, J., dissenting), p. 2.

III. Equal Protection.

Elections—Requiring racial designation on ballots.—Louisiana law requiring designation of race of candidates on ballots violates the Equal Protection Clause. Anderson v. Martin, p. 399.

IV. Full Faith and Credit.

State judgment quieting title—Land on river border between States.—When state court had jurisdiction of parties and, after litigation of all issues, held that it had jurisdiction of subject matter and

CONSTITUTIONAL LAW—Continued.

entered judgment quieting title to land, its decision was *res judicata* and binding on courts of adjoining State, even when jurisdiction of subject matter depended on which State land was in. Durfee v. Duke, p. 106.

V. Interstate Commerce.

State regulation—Milk.—State regulations requiring milk processor to accept its total supply of fluid milk from in-state producers and obliging it to take all milk offered by these producers are invalid under the Commerce Clause. Polar Co. v. Andrews, p. 361.

VI. Trial by Jury.

Federal District Court—Personal injuries—Judgment on jury verdict—Reversal by Court of Appeals.—Whether reversal by Court of Appeals of judgment of Federal District Court entered on jury verdict finding plaintiff in personal injury suit guilty of contributory negligence deprived defendant of right to jury trial guaranteed by Seventh Amendment. Southern R. Co. v. Jackson (BLACK and DOUGLAS, JJ., dissenting from denial of certiorari), p. 837.

VII. Unlawful Search and Seizure.

Admissibility of evidence—State courts.—Admission in evidence in criminal trial in state court of articles obtained by illegal search and seizure was not harmless error, and conviction could not stand. Fahy v. Connecticut, p. 85.

CONTEMPT.

Criminal contempt—Conduct of defendant in criminal trial—Issue of mental illness—Proper procedure.—When conflicting testimony of experts as to defendant's mental capacity to stand trial had been received during trial and he was committed to mental hospital soon after trial, fair administration of criminal justice required plenary hearing under Fed. Rule Crim. Proc. 42 (b) to determine his criminal responsibility for his conduct during trial, for which he was summarily convicted of criminal contempt. Panico v. United States, p. 29.

CONTRACTS. See **Procedure,** 6.

COUNSEL. See **Constitutional Law,** II, 2; **Procedure,** 5.

COURTS. See **Procedure,** 1–3.

CRIMINAL LAW. See also **Constitutional Law,** I; II; VI; VII; **Contempt; Procedure,** 5.

1. *Preliminary commitment of convicted prisoners—Later sentencing after report by Bureau of Prisons—Right of prisoner and counsel to be present.*—When Federal District Court, under 18

CRIMINAL LAW—Continued.

U. S. C. § 4208 (b), ordered convicted prisoner committed to custody of Attorney General pending receipt of report of Bureau of Prisons and, after receiving report, entered order imposing less than maximum sentence, the latter order was "imposition of sentence," within meaning of Fed. Rule Crim. Proc. 43, and prisoner and his counsel were entitled to be present. United States v. Behrens, p. 162.

2. *Preliminary commitment of convicted prisoner—Later sentencing after report by Bureau of Prisons—Time within which to appeal.*—When Federal District Court, under 18 U. S. C. § 4208 (b), ordered convicted prisoner committed to custody of Attorney General pending receipt of report from Bureau of Prisons, and, after receiving report, entered order suspending sentence and placing prisoner on probation, appeal could be taken within time provided by Fed. Rule Crim. Proc. 37 (a)(2) after either first or second sentence, at option of prisoner. Corey v. United States, p. 169.

3. *Revocation of probation—Sentence—Change in absence of prisoner.*—When Federal District Judge, in presence of petitioner, revoked his probation and sentenced him to imprisonment for one year, subsequent entry of written judgment in absence of petitioner sentencing him to imprisonment for one year and one day violated Fed. Rule Crim. Proc. 43. Bartone v. United States, p. 52.

CRUEL AND UNUSUAL PUNISHMENT. See **Constitutional Law, I.**

DAIRIES. See **Constitutional Law,** V; **Taxation,** 4.

DEATH PENALTY. See **Constitutional Law,** I; II, 1.

DEPORTATION. See **Aliens.**

DISCRIMINATION. See **Constitutional Law,** III.

DUE PROCESS. See **Constitutional Law,** II.

EIGHTH AMENDMENT. See **Constitutional Law,** I.

ELECTIONS. See **Constitutional Law,** III; **Labor,** 3.

EMPLOYEES. See **Jurisdiction,** 2–3; **Labor.**

EMPLOYERS' LIABILITY ACT.

1. *Claim of permanent disability—Admissibility of evidence that plaintiff was receiving disability pension.*—In suit under Federal Employers' Liability Act to recover damages for permanent disability, trial court properly excluded evidence that plaintiff was receiving disability pension under Railroad Retirement Act of 1937. Eichel v. New York Central R. Co., p. 253.

EMPLOYERS' LIABILITY ACT—Continued.

2. *Liability of railroad—Sufficiency of evidence.*—In suit under Federal Employers' Liability Act, evidence was sufficient to support jury's conclusion that railroad's negligence contributed to plaintiff's loss of fingers by frostbite, and State Supreme Court erred in vacating verdict and ordering judgment for railroad. Dennis v. Denver & Rio Grande R. Co., p. 208.

EQUAL PROTECTION OF THE LAWS. See **Constitutional Law**, III.

ESTATE TAX. See **Taxation**, 1.

EVIDENCE. See **Admiralty**; **Constitutional Law**, VII; **Employers' Liability Act.**

EXPEDITING ACT. See **Antitrust Acts.**

FARM EQUIPMENT. See **Procedure**, 6.

FEDERAL EMPLOYERS' LIABILITY ACT. See **Employers' Liability Act.**

FEDERAL ENCLAVES. See **Constitutional Law**, V; **Taxation**, 4.

FEDERAL RULES OF CIVIL PROCEDURE. See **Procedure**, 4, 6.

FEDERAL RULES OF CRIMINAL PROCEDURE. See **Contempt**; **Criminal Law**; **Procedure**, 5.

FEDERAL-STATE RELATIONS. See **Constitutional Law**, II, 2; III; V; **Jurisdiction**, 2–3; **Labor**, 1, 4; **Procedure**, 1–3; **Taxation**, 4.

FLORIDA. See **Constitutional Law**, II, 2; V; **Taxation**, 4.

FORUM NON CONVENIENS. See **Procedure**, 2.

FOURTEENTH AMENDMENT. See **Constitutional Law**, II; III; **Procedure**, 3.

FULL FAITH AND CREDIT. See **Constitutional Law**, IV.

HARMLESS ERROR. See **Admiralty.**

HUSBAND AND WIFE. See **Taxation**, 1.

IMMIGRATION AND NATIONALITY ACT. See **Aliens.**

INCOME TAX. See **Taxation**, 2–3.

INDIGENTS. See **Constitutional Law**, II, 2.

INJUNCTIONS. See **Jurisdiction**, 2–3; **Mootness**; **Securities and Exchange Commission.**

INSANITY. See **Contempt.**

INSURANCE. See **Taxation**, 2.

INTERNAL REVENUE CODE. See **Jurisdiction**, 4.

INTERSTATE COMMERCE. See **Constitutional Law**, V; **Taxation**, 4.

INTERSTATE COMMERCE COMMISSION. See **Transportation.**

INVESTMENT ADVISERS ACT. See **Securities and Exchange Commission.**

JONES ACT. See **Admiralty.**

JUDGMENTS. See **Procedure**, 4.

JURIES. See **Constitutional Law**, VI.

JURISDICTION. See also **Aliens**; **Antitrust Acts**; **Constitutional Law**, IV; **Labor**, 1, 4; **Mootness.**

1. *Supreme Court—Judgment of intermediate state apellate court—Not appealable to highest state court as of right but by leave.*—Judgment of Appellate Division, Supreme Court of New York, which could not be appealed to Court of Appeals as of right but could have been appealed by leave of Appellate Division on certified questions, was not judgment of highest state court in which decision could be had and this Court did not have jurisdiction of appeal under 28 U. S. C. § 1257. Gotthilf v. Sills, p. 79.

2. *State courts—Injunction—Labor dispute.*—State court had no jurisdiction to issue an injunction in a controversy which was at least arguably a labor dispute and therefore within the exclusive powers of the National Labor Relations Board. Liner v. Jafco, Inc., p. 301.

3. *State courts—Labor disputes—Injunctions—Labor Management Relations Act.*—Action for an injunction against union and employer to prevent decision of Committee, provided for by collective bargaining agreement, from being carried out, although brought in a state court, arises under § 301 of the Labor Management Relations Act and is controlled thereby. Humphrey v. Moore, p. 335.

4. *Equity action—Adequate remedy at law—Internal Revenue Code.*—Equity action seeking injunctive relief against Commissioner of Internal Revenue who issued summonses for taxpayers' records should be dismissed since there are adequate procedures at law to challenge the summonses. Reisman v. Caplin, p. 440.

LABOR. See also **Admiralty**; **Employers' Liability Act**; **Jurisdiction**, 2–3; **Mootness.**

1. *Collective bargaining — Jurisdictional dispute — Arbitration.*—Whether a labor dispute involves work assignment or concerns representation, it is not exclusively within the jurisdiction of the National

LABOR—Continued.

Labor Relations Board, and arbitration procedure set forth in the collective bargaining agreement is not barred. Carey v. Westinghouse Corp., p. 261.

2. *Collective bargaining—Seniority rights—Decision of Committee.*—Decision of Committee under collective bargaining agreement determining employees' seniority rights is binding on the parties, as provided by the agreement; there is no evidence that employees were not fairly represented before the Committee or were deprived of a fair hearing. Humphrey v. Moore, p. 335.

3. *National Labor Relations Act—Representation election—Economic benefits by employer.*—Employer's conferral of economic benefits on employees to induce vote against union in a representation election violated the National Labor Relations Act. Labor Board v. Parts Co., p. 405.

4. *State right-to-work law—Agency shop—Jurisdiction of state courts to enforce.*—A state court has jurisdiction to enforce the State's prohibition of an "agency shop" clause in an executed collective bargaining agreement. Retail Clerks v. Schermerhorn, p. 96.

LABOR MANAGEMENT RELATIONS ACT. See **Jurisdiction**, 3; **Labor**, 2.

LAWYERS. See **Constitutional Law**, II, 2.

LEASE. See **Procedure**, 6.

LIENS. See **Taxation**, 2.

LIFE INSURANCE. See **Taxation**, 2.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT. See **Admiralty.**

LOUISIANA. See **Constitutional Law**, III.

MARITAL DEDUCTIONS. See **Taxation**, 1.

MARSHALING OF ASSETS. See **Taxation**, 2.

MEDICAL PRACTICE. See **Procedure**, 3.

MENTAL ILLNESS. See **Contempt.**

MILK. See **Constitutional Law**, V; **Taxation**, 4.

MOOTNESS. See also **Jurisdiction**, 2.

Supreme Court not bound by state court's holding—Mootness here a question of federal law.—In this case mootness is a question of federal law, and this Court is not bound by state court's holding in labor controversy that completion of construction mooted the litigation. Liner v. Jafco, Inc., p. 301.

MOTIONS. See **Procedure**, 2, 4.

NATIONAL LABOR RELATIONS ACT. See **Jurisdiction**, 2; **Labor**, 1, 3; **Mootness.**

NEGROES. See **Constitutional Law**, III.

NOTICE. See **Procedure**, 6.

OUTER CONTINENTAL SHELF LANDS ACT. See **Admiralty.**

PATENTS. See **Taxation**, 3.

PAUPERS. See **Constitutional Law**, II, 2.

PERSONAL INJURIES. See **Admiralty**; **Constitutional Law**, VI; **Employers' Liability Act.**

PICKETING. See **Jurisdiction**, 2; **Mootness.**

PREJUDICIAL ERROR. See **Admiralty.**

PRISONERS. See **Criminal Law.**

PROBATION. See **Criminal Law**, 2–3.

PROCEDURE. See also **Admiralty**; **Antitrust Acts**; **Constitutional Law**, II, 2; VI; **Contempt**; **Criminal Law**; **Jurisdiction**, 1, 4.

1. *Supreme Court—Questions of state law—Certification to State Supreme Court.*—When it appeared that case pending in this Court hinged on questions of Florida law on which there seemed to be no clear controlling precedents in decisions of Florida Supreme Court, this Court initiated proceedings to certify such questions to Florida Supreme Court in accordance with Florida procedure. Aldrich v. Aldrich, p. 75, 249; Dresner v. City of Tallahassee, p. 136.

2. *District Courts—Motion to transfer suit to another district—Effect of state-court order dismissing suit based on same cause of action.*—Federal District Court not divested of discretion to deny a motion under 28 U. S. C. § 1404 (a) to transfer a suit to another district, when a suit on the same cause of action, brought earlier in a state court in the same city, had been dismissed by state court on the ground of *forum non conveniens*. Parsons v. Chesapeake & Ohio R. Co., p. 71.

3. *State courts—Federal questions—Abstention order—Return to federal court.*—Where a party who is remitted to state courts by a federal court abstention order freely litigates his federal claims there, he has elected to forego his right to return to the federal court; but where, as here, the federal claims were litigated in the state court by appellants in the belief that they had to, they can return to the federal court for determination of their federal claims. England v. Medical Examiners, p. 411.

PROCEDURE—Continued.

4. *Appeals—Time for filing—Special circumstances.*—In view of petitioner's reliance on District Court's statement that his motions were timely filed, thus postponing the time to file an appeal, he should have a hearing on the merits. Thompson v. I. N. S., p. 384.

5. *Criminal procedure—Transcript on appeal—Indigents.*—Indigent's new counsel on appeal is entitled to free transcript of trial to discharge the obligation placed on him by the court and to give practical meaning to Rule 52 (b) of the Federal Rules of Criminal Procedure. Hardy v. United States, p. 277.

6. *Service of process—Agency—Contract.*—Designation in contract for lease of farm equipment of person unknown to respondent as agent for service of process under Rule 4 (d) (1) of the Federal Rules of Civil Procedure is valid appointment of agent, where notice of service was promptly forwarded to respondent. National Rental v. Szukhent, p. 311.

PROCESS. See **Jurisdiction,** 4; **Procedure,** 6.

RACIAL DISCRIMINATION. See **Constitutional Law,** III.

RAILROADS. See **Employers' Liability Act; Transportation.**

RAPE. See **Constitutional Law,** I; II, 1.

REAL ESTATE. See **Constitutional Law,** IV.

REFUNDS. See **Taxation,** 3.

RES JUDICATA. See **Constitutional Law,** IV.

RIGHT-TO-WORK LAWS. See **Labor,** 4.

RIVERS. See **Constitutional Law,** IV.

ROYALTIES. See **Taxation,** 3.

RULES. See **Procedure,** 4–6.

RULES OF CRIMINAL PROCEDURE. See **Criminal Law.**

SEARCH AND SEIZURE. See **Constitutional Law,** VII.

SECURITIES AND EXCHANGE COMMISSION.

Investment advisers—"Scalping" practices—Right to compel disclosure.—Under Investment Advisers Act, Commission may obtain injunction compelling registered investment adviser to disclose to clients practice of purchasing securities for own account shortly before recommending them for long-term investment and then selling them at profit on rise in price following such recommendation. Securities and Exchange Commission v. Capital Gains Research Bureau, p. 180.

SENIORITY. See **Jurisdiction**, 3; **Labor**, 2.

SENTENCING. See **Criminal Law.**

SEVENTH AMENDMENT. See **Constitutional Law**, VI.

SHERMAN ACT. See **Antitrust Acts.**

STATUTE OF LIMITATIONS. See **Taxation**, 3.

SUMMONS. See **Jurisdiction**, 4.

SUPREME COURT. See also **Antitrust Acts**; **Jurisdiction**, 1; **Procedure**, 1.

1. Assignment of MR. JUSTICE REED (retired) to Court of Claims, p. 801.

2. Reappointment of Reporter of Decisions, p. 801.

TAFT-HARTLEY ACT. See **Labor**, 4.

TAXATION. See also **Constitutional Law**, V; **Jurisdiction**, 4.

1. *Estate tax—Community property—Marital deduction—Claims and expenses.*—When widow in community-property State elected to waive community-property rights and take under husband's will and received less than she gave up, estate was not entitled to any marital deduction and could not deduct wife's share of expenses or claims against estate. United States v. Stapf, p. 118.

2. *Income tax—Deficiency of deceased taxpayer—Enforceability of liens against proceeds of life insurance.*—In State which exempts proceeds of life insurance policies from levy by creditors, doctrine of marshaling of assets could not be applied to satisfy junior lien for income taxes against cash surrender value of life insurance policies and satisfy senior lien of pledgee bank out of remainder of proceeds payable to widow beneficiary. Meyer v. United States, p. 233.

3. *Income tax—Suit for refund—Royalties on patents—Statute of limitations.*—When taxpayers had reported and paid in 1953 income taxes on royalties on patents, treated as ordinary income, and claim for refund had been barred in 1956 by statute of limitations, but Congress in 1956 added § 117 (q) to Internal Revenue Code of 1939, providing that such payments during tax years beginning after May 31, 1950, should be taxed as capital gains, claim for refund filed in 1958 was barred by statute of limitations. United States v. Zacks, p. 59.

4. *State tax on milk distribution—Sales to federal enclaves.*—The incidence of a Florida tax on milk distribution is on the processing or bottling in a Florida plant, and so the tax may be computed on milk including that sold to federal enclaves. Polar Co. v. Andrews, p. 361.

TRANSCRIPT. See **Procedure**, 5.

TRANSPORTATION. See also **Employers' Liability Act.**

Railroads—Barge lines—Joint rates.—When Interstate Commerce Commission ordered cancellation of joint barge-rail rate for movement of coal on ground that rate was noncompensatory and, therefore, unjust and unreasonable, this Court affirmed District Court's judgment dismissing suit to set Commission's order aside. Chicago & E. I. R. Co. v. United States (dissenting opinion of BLACK, J.), p. 150.

TRIAL. See **Constitutional Law**, II, 2; VI–VII; **Contempt.**

UNIONS. See **Jurisdiction**, 2–3; **Labor**; **Mootness.**

VENUE. See **Procedure**, 2.

U.S. GOVERNMENT PRINTING OFFICE : 1964 O—720-508